IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 15366 of 1996

Between:

Smt.M.Ramulamma, W/o.late M.Koteshwara Rao,

Aged about 38 years, Occu:Sweeper (Contingent worker,

working in the office of the S.M. (O) Hyderabad,

Dilsukhnagar, Hyderabad.

..... PETITIONER

AND

The Regional Manager, APSRTC,

Hyderabad City Region,

J.B.S. Picket, Secunderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, particularly one in the nature of Writ of Mandamus, directing the respondent, Regional Manager, APSRTC, City Region, J.B.S. Picket, Secunderabad to regularize the services of the petitioner, in the post of Sweeper with a regular time scale of pay and other emoluments attached to the post of sweeper.

Counsel for the Petitioner:MR.W.B.SRINIVAS

Counsel for the Respondent No.: MR.V.T.M.PRASAD (S.C.FOR APSRTC)

The Court made the following :

ORDER:

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This writ petition is filed seeking a *writ of Mandamus* to direct the respondent-Regional Manager, APSRTC, City Region, to regularize the services of the petitioner in the post of sweeper with a regular time scale of pay and other emoluments attached to the said post.

It is the case of the petitioner that her husband
Mr. Koteshwar Rao, while working as driver in the respondent Corporation, died in harness. In pursuance of a scheme that was available in the APSRTC, the case of the petitioner was considered for appointment on compassionate grounds and she was appointed as a sweeper on daily wage basis at the rate of Rs.40/- per day. The grievance of the petitioner is that though she had completed more than two years of service, her services are not regularized and she is not put on regular pay scale. Hence, this writ petition.

The respondents have filed counter affidavit denying the allegations made by the petitioner stating that in pursuance of the directions issued by this Court in W.P.No.2810 of 1993 dated 22.03.1994, the petitioner was appointed as contingent

worker on daily wage basis. In the above said writ petition this Court directed to appoint the petitioner as sweeper on daily wage basis and as and when the ban is lifted treat her as regular employee. The ban on recruitment was imposed on 31.07.1994 and subsequently the ban was extended up to 31.07.1997 vide circular No.PD-68/96 dated 30.07.1996. Further, the ban was extended by circular dated 31.07.1997. Therefore, the case of the petitioner could not be considered for regularization of her services. Except this, there is no answer from the respondents to the other allegations made by the petitioner in the present writ petition.

Learned counsel for the petitioner by filing some additional material papers asserted that the services of the persons who were appointed on compassionate grounds at various depots of APSRTC under the similar circumstances as that of the petitioner were regularized. It is further contended that this itself would show that there was no ban on the recruitment of sweepers in the Corporation and prays for a direction to the respondents for regularizing the services of the petitioner.

Bet that as it may, learned counsel for the petitioner has placed before this Court the proceedings dated 08.08.1997 and 04.03.1997, and asserted that more than ten persons were appointed on compassionate grounds and their services have been regularized in their respective cadres. If that is so, there is no reason as to why the case of the petitioner for regularization of her services could not be considered on the similar lines of those whose services have been regularized.

In view of the above, without expressing any opinion on merits of the case, the writ petition is disposed of directing the respondents to consider the case of the petitioner for regularization of her services in the Corporation on par with those whose services have been regularized by the proceedings of the Regional Manager dated 04.03.1987 and 08.08.1997 and pass appropriate orders, within a period of three months from the date of receipt of a copy of this order and communicate the same to the petitioner.

08.04.2005

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To

1. The Regional Manager, APSRTC,

Hyderabad City Region,

J.B.S. Picket, Secunderabad.

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